

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Tommy Pililimis,

Plaintiff,

v.

Simon, Eichler & Associates, LLC
c/o Vincent Cignarale
250 Delaware Ave, Suite 33
Buffalo, NY 14202

and

Christopher Hess
733 Delaware Road, Suite 255
Tonawanda, NY

Defendants.

Case No.

COMPLAINT

Jury Demand Requested

Now comes Plaintiff, by and through her attorneys, and, for her Complaint, alleges as follows:

JURISDICTION AND VENUE

- 1- This court has jurisdiction pursuant to 28 U.S.C. §§1331, 1337, 1367; and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

PARTIES

- 3- Plaintiff incurred an obligation to pay money, the primary purpose of which was for personal, family, or household uses (the "Debt").
- 4- Plaintiff is a resident of the State of the Illinois.

- 5- Defendant Simon Eichler & Associates, LLC (öSEAö) is a corporation with its principal office in the State of New York.
- 6- Defendant Christopher Hess (öHessö) is, upon information and belief, the manager, owner, and/or operator of Defendant SEA.
- 7- Unless expressly specified otherwise, the term öDefendant,ö as used herein, shall collectively refer to Defendants SEA and Hess.
- 8- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.
- 9- Defendant regularly attempts to collect, or attempts to collect, debts owed or due another.
- 10- At all times relevant, Defendant owned the Debt or was retained to collect the Debt.

FACTS COMMON TO ALL COUNTS

- 11- In 2011, Plaintiff filed a voluntary bankruptcy petition.
- 12- On or around November 20, 2012, Defendant telephoned Plaintiff to collect the Debt and left a voicemail.
- 13- During this communication, Defendant failed to disclose that the communication was from a debt collector.
- 14- During this communication, Defendant falsely represented that there was legal action pending against Plaintiff.
- 15- During this communication, Defendant falsely represented that it mailed legal documents to Plaintiff's address.
- 16- During this communication, Defendant falsely represented that Plaintiff was waiving his legal rights by failing to contact Defendant.

17- At the time of these communications, Defendant knew, or should have known, that Plaintiff filed bankruptcy.

18- On or around December 3, 2012, Defendant telephoned Plaintiff to collect the Debt and left a voicemail.

19- During this communication, Defendant failed to disclose that the communication was from a debt collector.

20- On or around December 12, 2012, Defendant telephoned Plaintiff to collect the Debt and left a voicemail.

21- During this communication, Defendant failed to disclose that the communication was from a debt collector.

22- During this communication, Defendant falsely implied that there was legal action pending against Plaintiff.

23- Defendant damaged Plaintiff.

24- Defendant violated the FDCPA.

COUNT I

25- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

26- Defendant violated 15 USC §1692e(10) by using false representation or deceptive means to collect a debt.

COUNT II

27- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

28- Defendant violated 15 USC § 1692f by engaging in unfair and/or unconscionable means to collect, or attempt to collect, a debt.

COUNT III

29- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

30- Defendant violated 15 USC § 1692e(5) by threatening to take action that could not be legally taken at the time.

COUNT IV

31- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

32- Defendant violated 15 USC § 1692e(5) by threatening to take action that Defendant did not intend to take at the time.

COUNT V

33- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

34- Defendant violated 15 USC § 1692e(11) by failing to disclose that a communication was from a debt collector.

JURY DEMAND

35- Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

36- Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);

- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Meier LLC

By: /s/ Richard J. Meier

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